

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SUSAN M. BAKER,	:	CIVIL ACTION
	:	
Plaintiff,	:	
	:	
v.	:	NO. 10-6738
	:	
PENNSYLVANIA ECONOMY LEAGUE,	:	
INC. RETIREMENT INCOME PLAN,	:	
et al.,	:	
	:	
Defendants.	:	

**ORDER**

**AND NOW**, this 23rd day of August 2011, it is **ORDERED** that Defendants' motion to dismiss (Doc. #4) is **GRANTED IN PART** and **DENIED IN PART** as follows:

- Defendants' motion is **GRANTED** as to Plaintiff's claim for a determination of benefit rights (Count I) and this claim is dismissed with prejudice.
- Defendants' motion is **DENIED** as to Plaintiff's claims for breach of fiduciary duties (Count II) and restitution (Count III).
- Defendants' motion is **GRANTED** as to Plaintiff's claim for equitable injunctive relief based on a theory of equitable estoppel (Count IV) and this claim is dismissed without prejudice. Further, Plaintiff's request for leave to amend Count IV of her complaint is **GRANTED**, and Plaintiff shall have until September 23, 2011 to file an amended complaint.

s/Anita B. Brody

---

ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to:

O:\ABB 2011\A-K\Baker v. PEL Order re Motion to Dismiss.wpd